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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/605,836	10/30/2003	Jui-Hsiang Lo	PMXP0169USA	2835
27765 7590 05/24/2007 NORTH AMERICA INTELLECTUAL PROPERTY CORPORATION P.O. BOX 506 MERRIFIELD, VA 22116			EXAMINER RAHMJOO, MANUCHER	
			ART UNIT	PAPER NUMBER
			2624	
			NOTIFICATION DATE	DELIVERY MODE
			05/24/2007	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

winstonhsu.uspto@gmail.com  
Patent.admin.uspto.Rcv@naipo.com  
mis.ap.uspto@naipo.com.tw

<b>Office Action Summary</b>	<b>Application No.</b> 10/605,836	<b>Applicant(s)</b> LO, JUI-HSIANG	
	<b>Examiner</b> Mike Rahmjoo	<b>Art Unit</b> 2624	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 May 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Allowable Subject Matter***

The indicated allowability of claims 8 and 16 is withdrawn in view of the newly discovered reference(s) to Olde et al (US Patent 6927668). Rejections based on the newly cited reference(s) follow.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-4,6,7,9-12,14-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Syrbe et al (US PAP 2006/ 0146009), hereinafter, Syrbe.

As per claims 1 and 10 Syrbe teaches providing an image-capturing module comprising a lens, and using the image-capturing module to capture an image corresponding to for example fig.1;

providing an image recognition module installed inside the housing of the mobile phone, and using the image recognition module to compare the image captured by the

image-capturing module with image data previously stored in the memory corresponding to for example [0116] and fig. 4 block 90;

Syrbe implicitly teaches if the image captured by the image-capturing module corresponds with the image data stored in the memory, sending a corresponding identification code to the control module with the image recognition module corresponding to for example [0116-0118] and the flowchart of fig. 4 blocks 92-94 wherein any changes with camera image is checked and detected corresponding to identification through comparison. Also codes are inherent to all CPUs.

As per claims 2,3, 11 Syrbe teaches providing an IR cut filter for stopping infrared rays from passing through the lens of the image-capturing module, wherein in step (a), when the image-capturing module is used to capture the image for image recognition, the IR cut filter is removed from the front of the lens of the image-capturing module, and when the image-capturing module is not used to capture the image for image recognition but for photo, the IR cut filter is moved to the front of the lens of the image-capturing module corresponding to for example [0077] wherein a mobile phone is provided with an IR filter and the use of an IrDA port as a light source for a digital camera and the details of a device to move the infrared filter in and out of the camera path is disclosed.

As per claims 4,12 Syrbe teaches move the infrared filter in and out of the camera path corresponding to for example [0077]. At the time the invention was made, it would have been obvious to one of ordinary skill in the art to provide a sliding set installed on the housing in slidable manner, and installing the IR cut filter on the sliding

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set because applicant has not disclosed that providing a sliding set installed on the housing in slidable manner provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art would have expected applicant's invention to perform equally as well with a movable IR filter other than a sliding set installed on the housing in slidable manner.

As per claims 6, 14 Syrbe teaches the image-capturing module is a phone camera installed on the housing of the mobile phone corresponding to for example fig. 1.

As per claim 7 Syrbe implicitly and broadly teaches a control module (fig. 2 block 18) installed inside the housing for controlling the mobile phone; and a memory (fig. 2 and [0071 for any of the memory]) installed inside the housing and electrically connected to the control module for storing image data recognized by the image recognition module; wherein when the image captured by the image-capturing module corresponds with image data previously stored in the memory, a corresponding identification code will be sent by the image recognition module to the control module corresponding to for example [0116-0118] and the flowchart of fig. 4 blocks 92-94 wherein any changes with camera image is checked and detected corresponding to identification through comparison. Also codes are inherent to all CPUs.

As per claims 9, 15 Syrbe broadly teaches the image is a pattern of a persons face corresponding to for example fig. 3 and [0008] for capturing motion video or still images broadly corresponding to patten of facial images.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Syrbe et al (US PAP 2006/ 0146009), hereinafter, Syrbe in view of Olde et al (US Patent 6927668), hereinafter, Olde.

As per claims 8 and 16 Syrbe does not teach when the control module receives the corresponding identification code, the control module will boot the mobile phone.

However, Olde teaches when the control module (corresponding to FEVM) receives the corresponding identification code (corresponding to signal received upon a match found in the memory in column 4 lines 20- 25), the control module will boot (corresponding to turn on of the cell phone) the mobile phone corresponding to for example column 3 line 34.

It would have been made obvious to one of ordinary skilled in the art at the time the invention was made to incorporate the teachings of Olde into Syrbe to provide a system to identify and authenticate a potential user and therefore secure operation from unauthorized use corresponding to for example column 2 lines 30- 40.

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Claims 5 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Syrbe.

As per claims 5, 13 Syrbe does not teach the image-capturing module is an external phone camera installed outside the housing.

However, the background of Syrbe teaches the image-capturing module is an external phone camera installed outside the housing corresponding to for example [0003] for the detachable camera.

It would have been made obvious to one of ordinary skilled in the art at the time the invention was made to incorporate the teachings of the background of Syrbe into Syrbe to have an external camera installed outside of the housing of a phone camera to provide an additional feature to a phone and therefore provide a hand-held device with motion sensing in a economical and reliable manner see for example [0009].



### **Inquiry**

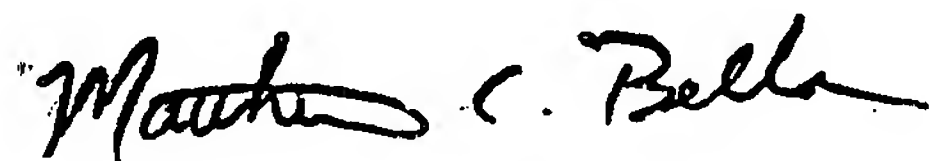
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mike Rahmjoo whose telephone number is 571-272-7789. The examiner can normally be reached on 8 AM- 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matt Bella can be reached on 571-272-7778. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mike Rahmjoo

March 21, 2007



MATTHEW C. BELLA  
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